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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 FLOYD WALLACE,

13 Plaintiff,

14 vs.

15 LAS VEGAS METROPOLITAN POLICE  
16 DEPARTMENT; STATE OF NEVADA;  
17 CHRISTIAN TORRES; JASON SHOEMAKER;  
18 CORY MCCORMICK and DOES 1 to 50,  
19 inclusive,

20 Defendants.

21 Case Number:  
22 2:23-cv-00809-APG-NJK

23 **DEFENDANTS' LIMITED OPPOSITION**  
24 **TO PLAINTIFF'S MOTION TO EXTEND**  
25 **TIME TO RESPOND (ECF NO. 37)**

26 Defendants Las Vegas Metropolitan Police Department ("LVMPD"), Ofc. Christopher  
27 Torres, Ofc. Jason Shoemaker, and Ofc. Cory McCormick (collectively "Defendant Officers",  
28 and with LVMPD, "Defendants"), by and through their attorney of record, Craig R. Anderson,  
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Las Vegas, Nevada 89145  
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1 Plaintiff Floyd Wallace ("Wallace") is seeking an extension to respond to the Defendant Officers' Motion to Dismiss (ECF No. 33). The Defendant Officers' motion was filed on September 1, 2023. Wallace is requesting "until December 5, 2023, or longer if the court grants it." (ECF No. 37 at 1:21-22). The Defendants do not oppose a reasonable extension of time for Wallace to respond to the Defendant Officers' motion to dismiss, but do object to the December 5, 2023 request.

2 **MEMORANDUM OF POINTS AND AUTHORITIES**

3 **I. INTRODUCTION**

4 Plaintiff Floyd Wallace ("Wallace") is seeking an extension to respond to the Defendant Officers' Motion to Dismiss (ECF No. 33). The Defendant Officers' motion was filed on September 1, 2023. Wallace is requesting "until December 5, 2023, or longer if the court grants it." (ECF No. 37 at 1:21-22). The Defendants do not oppose a reasonable extension of time for Wallace to respond to the Defendant Officers' motion to dismiss, but do object to the December 5, 2023 request.

1 Wallace is also requesting a second extension to file a reply to Defendants' Opposition to  
 2 Plaintiffs' Motion for Sanctions. (ECF No. 28). He is requesting an extension until December 5,  
 3 2023. Defendant LVMPD has already granted Wallace an extension until September 25, 2023.  
 4 Wallace has had ample time to respond to this opposition, and LVMPD opposes any additional  
 5 requests.

6 **II. LEGAL STANDARD**

7 The Federal Rules of Civil Procedure 6(b) states, in pertinent part:

8 **(b) Extending Time.**

9 (1) In General. When an act may or must be done within a specified time, the court may,  
 10 for good cause, extend the time:

11 (A) with or without motion or notice if the court acts, or if a request is made, before the  
 12 original time or its extension expires; or

13 (B) on motion made after the time has expired if the party failed to act because of  
 14 excusable neglect.

15 **III. LEGAL ARGUMENT**

16 **A. DEFENDANTS DO NOT AGREE TO A LENGTHY EXTENSION FOR  
 17 WALLACE TO OPPOSE THE DEFENDANT OFFICERS' MOTION TO  
 18 DISMISS.**

19 On September 1, 2023, the Defendant Officers filed a motion to dismiss. (ECF No. 33.)  
 20 Wallace has never requested an extension from the Defendant Officers. The Defendant Officers  
 21 do not oppose a reasonable extension of time for Wallace to respond. However, they do oppose a  
 22 three-month extension. The Defendants are agreeable to extending Wallace's deadline until  
 23 October 15, 2023. It should not be difficult for Wallace to oppose the Defendant Officers'  
 24 motion. On July 17, 2023, Defendant LVMPD filed its motion to dismiss. (ECF No. 8.) The  
 25 Defendant Officers' motion's arguments closely mirror the arguments in LVMPD's motion. On  
 26 July 26, 2023, Wallace opposed Defendant LVMPD's motion. (ECF No. 15.) Thus, Wallace has  
 27 shown this Court that he is able to draft and file an opposition. Therefore, Wallace's current  
 28 request to extend the deadline until December 5, 2023 is unreasonable. More importantly,  
 Wallace has failed to articulate any good cause for such a lengthy delay.

1                   **B. DEFENDANTS OPPOSE WALLACE'S REQUEST FOR AN EXTENSION**  
 2                   **TO FILE HIS REPLY TO THEIR OPPOSITION TO HIS MOTION FOR**  
 3                   **SANCTIONS.**

4                   On August 10, 2023, Wallace filed his Amended Motion for Rule 11 Sanctions on  
 5                   Defendant LVMPD and Their Counsel; Declaration of Floyd Wallace in Support. (ECF No. 22.)  
 6                   LVMPD opposed the motion on August 22, 2023. (ECF No. 28.) Wallace immediately filed an  
 7                   Unopposed Motion to Extend Time to Respond to Motion or in the Alternative for Leave to File  
 8                   Late Reply; Motion to Extend Page Limit for Reply. (ECF No. 30) Wallace requested an  
 9                   extension "until September 25, 2023 or longer." (*Id.*) Defendant LVMPD did not oppose this  
 10                  request. Plaintiff's current request makes no attempt to establish "good cause" for an additional  
 11                  extension beyond the requested September 25, 2023 date. The Defendants object to any  
 12                  extensions past the September 25, 2023 date.

13                  **IV. CONCLUSION**

14                  Defendants object to any further extensions for Wallace to file his reply to Defendant  
 15                  LVMPD's opposition to his motion for sanctions as he cannot establish good cause. Defendants  
 16                  do not oppose a reasonable one-month extension of time for Wallace to respond to the Defendant  
 17                  Officers' motion to dismiss, but do oppose an extension until December 5, 2023.

18                  Dated this 7<sup>th</sup> day of September, 2023.

19                  MARQUIS AURBACH

20                  By *s/Craig R. Anderson*  
 21                  Craig R. Anderson, Esq.  
 22                  Nevada Bar No. 6882  
 23                  10001 Park Run Drive  
 24                  Las Vegas, Nevada 89145  
 25                  Attorneys for Defendants LVMPD, Ofc. Torres,  
 26                  Ofc. Shoemaker and Ofc. McCormick

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing **DEFENDANTS LVMPD, OFC.**  
**TORRES, OFC. SHOEMAKER AND OFC. MCCORMICK'S LIMITED OPPOSITION**  
**TO PLAINTIFF'S MOTION TO EXTEND TIME TO RESPOND (ECF NO. 37)** with the  
Clerk of the Court for the United States District Court by using the court's CM/ECF system on  
the 7<sup>th</sup> day of September, 2023.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Floyd Wallace  
1613 Leopard Lane  
College Station, TX 77840  
*Pro Per*

s/Sherri Mong  
an employee of Marquis Aurbach